

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM SOTO,

Plaintiff,

v.

SACRAMENTO MAIL JAIL, et al.,

Defendants.

No. 2:24-cv-01222-DAD-SCR (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION DUE TO PLAINTIFF'S FAILURE
TO PROSECUTE

(Doc. Nos. 2, 5)

Plaintiff William Soto is a county jail inmate proceeding *pro se* and with an application to proceed *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 302.

On November 25, 2024, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute this action. (Doc. No. 5.) Specifically, the magistrate judge noted that the service copy of the court's August 6, 2024 reassignment order (Doc. No. 4), which was mailed to plaintiff at his address of record, had been returned to the court marked as "Undeliverable." (Doc. No. 5 at 1.) Thus, plaintiff was required to file a notice of his change of address with the court by no later than October 24, 2024. Because plaintiff had not done so, the

1 magistrate judge concluded that plaintiff has failed to comply with Local Rule 183(b)'s
2 requirement that a party appearing *in propria persona* inform the court of any address change.
3 (Doc. No. 5 at 1.) Further, because plaintiff had not otherwise communicated with the court, the
4 magistrate judge concluded that plaintiff has failed to prosecute this action. (*Id.*) The pending
5 findings and recommendations were served on plaintiff by mail at his address of record and
6 contained notice that any objections thereto were to be filed within fourteen (14) days after
7 service.¹ (*Id.* at 1–2.) To date, no objections to the findings and recommendations have been
8 filed, and the time in which to do so has now passed.

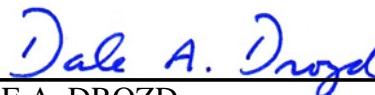
9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
10 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
11 findings and recommendations are supported by the record and by proper analysis.

12 Accordingly:

- 13 1. The findings and recommendations issued on November 25, 2024 (Doc. No. 5) are
14 ADOPTED in full;
- 15 2. This action is DISMISSED, without prejudice, due to plaintiff's failure to
16 prosecute this action;
- 17 3. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is DENIED as having
18 been rendered moot by this order; and
- 19 4. The Clerk of the Court is directed to CLOSE this case.

20 IT IS SO ORDERED.

21 Dated: April 25, 2025


DALE A. DROZD
UNITED STATES DISTRICT JUDGE

27
28 ¹ Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully
effective.